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May 10, 2005

Our File No. 21290-104-63

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MAY 10 2005

Federal Communications Commission
Office of Secretary

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Opelika Broadcasting Company
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations (Opelika, Alabama)
MM Docket No. 05-79
RM-10983
Reply Comments of Waverly Radio Broadcasters

Dear Ms. Dortch:

Transmitted herewith on behalf of Waverly Radio Broadcasters are an original and four copies of its Reply Comments in the above-referenced matter.

If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,

John M. Pelkey

Enclosures
JMP:yg

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Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 05-79
Table of Allotments) RM-10983
FM Broadcast Stations)
(Opelika, Alabama))

RECEIVED

To: **Office of the Secretary**

MAY 10 2005

Attention: Assistant Chief, Audio Division
Media Bureau

Federal Communications Commission
Office of Secretary

Reply Comments of Waverly Radio Broadcasters

In response to a *Notice of Proposed Rulemaking* released by the Commission on March 4, 2005 (“*NPRM*”),¹ both Opelika Broadcasting Company (“OBC”) and Waverly Radio Broadcasters (“Waverly Radio”) filed comments. The comments filed by OBC simply consisted of a statement in support of the *NPRM*’s proposal and the requisite reiteration of OBC’s commitment to apply for and construct the requested Opelika facility. The comments filed by Waverly Radio included a counterproposal seeking to have Channel 232A allotted to Waverly, Alabama, rather than Opelika, Alabama, as proposed in the *NPRM*. No other comments or counterproposals were filed.

For the reasons set forth at greater length in the comments and counterproposal filed by Waverly Radio, the Waverly Radio counterproposal is to be preferred over the proposal set forth in the *NPRM*. The allocation of Channel 232A to Opelika would provide that community with


¹ See *Notice of Proposed Rulemaking*, MM Docket No. 05-79 (adopted March 2, 2005; released March 4, 2005).

its fourth radio service and its fifth broadcast service. By contrast, allocation of Channel 232A to Waverly would provide Waverly with its first broadcast service. As a result, the allocation to Waverly would better serve the Commission's allotment priorities. *See Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, 7096 (1990).

Accordingly, the Waverly Radio counterproposal should be adopted by the Commission.

Respectfully submitted,

Waverly Radio Broadcasters

By: 
John M. Pelkey
Its Attorney

Garvey Schubert Barer
5th Floor, 1000 Potomac Street, N.W.
Washington, DC 20007
202/965-7880

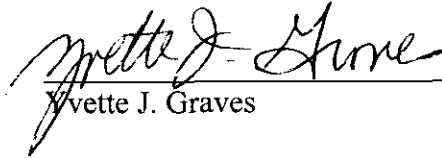
Date: May 10, 2005

CERTIFICATE OF SERVICE

I, Yvette J. Graves, an employee of Garvey Schubert Barer, hereby certify that I have on this 10th day of May, 2005, sent copies of the above "Reply Comments of Waverly Radio Broadcasters" by first-class, United States mail, postage prepaid, to the following:

Scott C. Cinnamon, Esq.
1090 Vermont Avenue, N.W.
Suite 800
Washington, D.C. 20005

*Sharon P. McDonald
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



Yvette J. Graves

*Via Hand Delivery